

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2426

AN ACT

AMENDING SECTIONS 36-601, 44-1303, 44-1304.01, 49-701, 49-762, 49-762.01 AND 49-762.02, ARIZONA REVISED STATUTES; RELATING TO WASTE TIRES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-601, Arizona Revised Statutes, is amended to
3 read:
4 36-601. Public nuisances dangerous to public health
5 A. The following conditions are specifically declared public nuisances
6 dangerous to the public health:
7 1. Any condition or place in populous areas that constitutes a
8 breeding place for flies, rodents, mosquitoes and other insects that are
9 capable of carrying and transmitting disease-causing organisms to any person
10 or persons or any condition or place that constitutes a feral colony of
11 honeybees that is not currently maintained by a beekeeper and that poses a
12 health or safety hazard to the public.
13 2. Any spoiled or contaminated food or drink intended for human
14 consumption.
15 3. Any restaurant, food market, bakery or other place of business or
16 any vehicle where food is prepared, packed, processed, stored, transported,
17 sold or served to the public that is not constantly maintained in a sanitary
18 condition.
19 4. Any place, condition or building that is controlled or operated by
20 any governmental agency and that is not maintained in a sanitary condition.
21 5. All sewage, human excreta, wastewater, garbage or other organic
22 wastes deposited, stored, discharged or exposed so as to be a potential
23 instrument or medium in the transmission of disease to or between any person
24 or persons.
25 6. Any vehicle or container that is used in the transportation of
26 garbage, human excreta or other organic material and that is defective and
27 allows leakage or spillage of contents.
28 7. The presence of ectoparasites such as bedbugs, lice, mites and
29 others in any place where sleeping accommodations are offered to the public.
30 8. The maintenance of any overflowing septic tank or cesspool, the
31 contents of which may be accessible to flies.
32 9. The pollution or contamination of any domestic waters.
33 10. The use of the so-called common drinking cup used for drinking
34 purposes by more than one person. This paragraph does not apply to
35 receptacles properly washed and sanitized after each service.
36 11. The presence of common towels for use of the public in any public
37 or semipublic place unless properly washed and sanitized following each use.
38 12. Buildings or any parts of buildings that are in a filthy condition
39 and that may endanger the health of persons living in the vicinity.
40 13. Spitting or urinating on sidewalks, or floors or walls of a public
41 building or buildings used for public assemblage, or a building used for
42 manufacturing or industrial purposes, or on the floors or platforms or any
43 part of a railroad or other public conveyance.
44 14. The use of the contents of privies, cesspools or septic tanks or
45 the use of sewage or sewage plant effluents for fertilizing or irrigation

1 purposes for crops or gardens except by specific approval of the department
2 of health services or the department of environmental quality.

3 15. The maintenance of public assemblage or places of assemblage
4 without providing adequate sanitary facilities. Open surface privies are
5 adequate sanitary facilities if they are outside populous areas and meet
6 reasonable health requirements.

7 16. Hotels, tourist courts and other lodging establishments that are
8 not kept in a clean and sanitary condition or for which suitable and adequate
9 toilet facilities are not provided.

10 17. The storage, collection, transportation, disposal and reclamation
11 of garbage, trash, rubbish, manure and other objectionable wastes other than
12 as provided and authorized by law.

13 18. Water, other than that used by irrigation, industrial or similar
14 systems for nonpotable purposes, that is sold to the public, distributed to
15 the public or used in production, processing, storing, handling, servicing or
16 transportation of food and drink and that is unwholesome, ~~OR~~ OR poisonous or
17 contains deleterious or foreign substances or filth or disease causing
18 substances or organisms.

19 19. The emission of mercaptan in a concentration level that causes
20 endangerment to the health or safety of any considerable number of persons of
21 a neighborhood or community.

22 20. The operation of an environmental laboratory in violation of
23 chapter 4.3, article 1 of this title.

24 21. THE STORAGE OF MATERIALS, INCLUDING WASTE TIRES, IN A MANNER THAT
25 PROVIDES OR IS LIKELY TO PROVIDE CONDITIONS SUITABLE FOR BREEDING CARRIERS OF
26 COMMUNICABLE DISEASE OR THAT RESULTS OR IS LIKELY TO RESULT IN ACCIDENTAL
27 BURNING WITH THE RELEASE OF TOXIC FUMES.

28 B. If the director has reasonable cause to believe from information
29 furnished to the director or from investigation made by the director that any
30 person is maintaining a nuisance or engaging in any practice contrary to the
31 health laws of this state, the director shall promptly serve on that person
32 by certified mail a cease and desist order requiring the person, on receipt
33 of the order, promptly to cease and desist from that act. Within fifteen
34 days after receipt of the order, the person to whom it is directed may
35 request the director to hold a hearing. The director, as soon as
36 practicable, shall hold a hearing, and if the director determines the order
37 is reasonable and just and that the practice engaged in is contrary to the
38 health laws of this state, the director shall order the person to comply with
39 the cease and desist order.

40 C. If a person fails or refuses to comply with the order of the
41 director, or if a person to whom the order is directed does not request a
42 hearing and fails or refuses to comply with the cease and desist order served
43 by mail under subsection B, the director may file an action in the superior
44 court in the county in which a violation occurred, restraining and enjoining

1 the person from engaging in further acts. The court shall proceed as in
2 other actions for injunctions.

3 D. Notwithstanding subsection A, paragraph 19, the emission of
4 mercaptan as a by-product of a pesticide is not a nuisance if applied
5 according to state and federal restrictions.

6 E. Notwithstanding subsection A, paragraph 3, a restaurant that uses
7 sawdust on the floors of its dining areas is not in violation of this section
8 or local health department sanitary rules if the restaurant replaces the
9 sawdust each day with clean sawdust and complies with applicable standards
10 for fire safety.

11 Sec. 2. Section 44-1303, Arizona Revised Statutes, is amended to read:
12 44-1303. Waste tire collection sites

13 An owner or operator of a waste tire collection site, ~~within six months~~
14 ~~of the effective date of this article,~~ shall ~~register with the department of~~
15 ~~environmental quality and provide the department with information concerning~~
16 ~~the site's location and size and the approximate number of waste tires which~~
17 ~~are stored at the site and shall initiate steps to comply with this article~~
18 OBTAIN SOLID WASTE FACILITY PLAN APPROVAL AS PROVIDED IN SECTION 49-762.03.
19 THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL REQUIRE AS A CONDITION OF PLAN
20 APPROVAL FOR A WASTE TIRE COLLECTION SITE THAT EVERY WASTE TIRE RECEIVED AT
21 THE SITE BE LAWFULLY DISPOSED OF AS PRESCRIBED BY SECTION 44-1304, SUBSECTION
22 D WITHIN TWELVE MONTHS OF RECEIPT OF THE WASTE TIRE.

23 Sec. 3. Section 44-1304.01, Arizona Revised Statutes, is amended to
24 read:

25 44-1304.01. Storage, disposal, discard or abandonment of used
26 motor vehicle tires; violation; classification;
27 exception

28 A. It is unlawful to store one hundred or more used motor vehicle
29 tires outdoors as follows:

30 1. In any fashion that exceeds twenty feet in height.

31 2. In a pile that is more than one hundred fifty feet from a twenty
32 foot wide access route that allows fire control apparatus to approach the
33 pile. Access routes between and around tire piles shall be at least twenty
34 feet wide and maintained free of accumulations of rubbish, equipment or other
35 materials. Access routes shall be spaced so that a maximum grid system unit
36 of fifty feet by one hundred fifty feet is maintained.

37 3. Within three feet of any property line.

38 4. In any fashion that exceeds six feet in height if the used tires
39 are stored between three and ten feet of any property line.

40 5. Within fifty feet of any area in which smoking of tobacco or any
41 other substance by persons is permitted. "No smoking" signs shall be posted
42 in suitable and conspicuous locations.

43 6. At any area in which the used motor vehicle tires are stored and in
44 which electrical wiring, fixtures or appliances do not comply with the
45 national electrical code.

1 7. Without placing class "2A-10BC" type fire extinguishers at well
2 marked points throughout the storage area so that the travel distance from
3 any point in the storage area to a fire extinguisher is not more than
4 seventy-five feet.

5 8. WITHOUT PRIOR REGISTRATION OF THE SITE WITH THE DEPARTMENT OF
6 ENVIRONMENTAL QUALITY. THE REGISTRATION SHALL BE ON A FORM APPROVED BY THE
7 DEPARTMENT AND SHALL INCLUDE THE SITE'S LOCATION, THE OWNER OF THE PROPERTY,
8 THE OWNER OR OPERATOR OF THE BUSINESS STORING THE WASTE TIRES, IF APPLICABLE,
9 AND THE TYPE AND APPROXIMATE QUANTITY OF WASTE TIRES STORED AT THE SITE. FOR
10 ANY WASTE TIRE COLLECTION SITE THAT IS OPERATING ON THE EFFECTIVE DATE OF
11 THIS AMENDMENT TO THIS SECTION, THE OWNER OF THE PROPERTY SHALL REGISTER
12 PURSUANT TO THIS PARAGRAPH WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS
13 AMENDMENT TO THIS SECTION.

14 9. FOR MORE THAN TWELVE MONTHS WITHOUT LAWFULLY DISPOSING OF THE TIRES
15 AS PRESCRIBED IN SECTION 44-1304, SUBSECTION D.

16 B. A person who knowingly discards or abandons five hundred or more
17 motor vehicle tires, discards or abandons any motor vehicle tires for
18 commercial purposes except as provided in section 44-1304, or otherwise
19 knowingly performs any act prohibited by subsection A of this section
20 involving five hundred or more motor vehicle tires is guilty of a class 5
21 felony.

22 C. The attorney general may enforce this section.

23 D. ~~As used in~~ FOR THE PURPOSES OF this section, ~~"used motor vehicle~~
24 ~~tires"~~ does not include tires that have been recapped and have not yet been
25 put back into service.

26 Sec. 4. Section 49-701, Arizona Revised Statutes, is amended to read:
27 49-701. Definitions

28 In this chapter, unless the context otherwise requires:

29 1. "Administratively complete plan" means an application for a solid
30 waste facility plan approval that the department has determined contains each
31 of the components required by statute or rule but that has not undergone
32 technical review or public notice by the department.

33 2. "Administrator" means the administrator of the United States
34 environmental protection agency.

35 3. "Closed solid waste facility" means any of the following:

36 (a) A solid waste facility that ceases storing, treating, processing
37 or receiving for disposal solid waste before the effective date of design and
38 operation rules for that type of facility adopted pursuant to section 49-761.

39 (b) A public solid waste landfill that meets any of the following
40 criteria:

41 (i) Ceased receiving solid waste prior to July 1, 1983.

42 (ii) Ceased receiving solid waste and received at least two feet of
43 cover material prior to January 1, 1986.

44 (iii) Received approval for closure from the department.

- 1 (c) A public composting plant or a public incinerating facility that
2 closed in accordance with an approved plan.
- 3 4. "Conditionally exempt small quantity generator waste" means
4 hazardous waste in quantities as defined by rules adopted pursuant to section
5 49-922.
- 6 5. "Construction debris" means solid waste derived from the
7 construction, repair or remodeling of buildings or other structures.
- 8 6. "County" means:
- 9 (a) The board of supervisors in the context of the exercise of powers
10 or duties.
- 11 (b) The unincorporated areas in the context of area of jurisdiction.
- 12 7. "Demolition debris" means solid waste derived from the demolition
13 of buildings or other structures.
- 14 8. "Discharge" has the same meaning prescribed in section 49-201.
- 15 9. "Existing solid waste facility" means a solid waste facility that
16 begins construction or is in operation on the effective date of the design
17 and operation rules adopted by the director pursuant to section 49-761 for
18 that type of solid waste facility.
- 19 10. "Facility plan" means any design or operating plan for a solid
20 waste facility or group of solid waste facilities.
- 21 11. "40 C.F.R. part 257" means 40 Code of Federal Regulations part 257
22 in effect on May 1, 2004.
- 23 12. "40 C.F.R. part 258" means 40 Code of Federal Regulations part 258
24 in effect on May 1, 2004.
- 25 13. "Household hazardous waste" means solid waste as described in 40
26 Code of Federal Regulations section 261.4(b)(1) as incorporated by reference
27 in the rules adopted pursuant to chapter 5 of this title.
- 28 14. "Household waste" means any solid waste including garbage, rubbish
29 and sanitary waste from septic tanks that is generated from households
30 including single and multiple family residences, hotels and motels,
31 bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and
32 day use recreation areas, not including construction debris, landscaping
33 rubble or demolition debris.
- 34 15. "Inert material":
- 35 (a) Means material that satisfies all of the following conditions:
- 36 (i) Is not flammable.
- 37 (ii) Will not decompose.
- 38 (iii) Will not leach substances in concentrations that exceed
39 applicable aquifer water quality standards prescribed by section 49-201,
40 paragraph 20 when subjected to a water leach test that is designed to
41 approximate natural infiltrating waters.
- 42 (b) Includes concrete, asphaltic pavement, brick, rock, gravel, sand,
43 soil and metal, if used as reinforcement in concrete **AND GLASS IF RECYCLED OR**
44 **PUT TO ANOTHER BENEFICIAL USE APPROVED IN WRITING BY THE DIRECTOR**, but does
45 not include special waste, hazardous waste, ~~glass~~ or other metal.

1 16. "Land disposal" means placement of solid waste in or on land.

2 17. "Landscaping rubble" means material that is derived from
3 landscaping or reclamation activities and that may contain inert material and
4 no more than ten per cent by volume of vegetative waste.

5 18. "Management agency" means any person responsible for the day-to-day
6 operation, maintenance and management of a particular public facility or
7 group of public facilities.

8 19. "Medical waste" means any solid waste which is generated in the
9 diagnosis, treatment or immunization of a human being or animal or in any
10 research relating to that diagnosis, treatment or immunization, or in the
11 production or testing of biologicals, and includes discarded drugs but does
12 not include hazardous waste as defined in section 49-921 other than
13 conditionally exempt small quantity generator waste.

14 20. "Municipal solid waste landfill" means any solid waste landfill
15 that accepts household waste, household hazardous waste or conditionally
16 exempt small quantity generator waste.

17 21. "New solid waste facility" means a solid waste facility that begins
18 construction or operation after the effective date of design and operating
19 rules that are adopted pursuant to section 49-761 for that type of solid
20 waste facility.

21 22. "On site" means the same or geographically contiguous property that
22 may be divided by public or private right-of-way if the entrance and exit
23 between the properties are at a crossroads intersection and access is by
24 crossing the right-of-way and not by traveling along the right-of-way.
25 Noncontiguous properties that are owned by the same person and connected by a
26 right-of-way that is controlled by that person and to which the public does
27 not have access are deemed on site property. Noncontiguous properties that
28 are owned or operated by the same person regardless of right-of-way control
29 are also deemed on site property.

30 23. "Person" means any public or private corporation, company,
31 partnership, firm, association or society of persons, the federal government
32 and any of its departments or agencies, this state or any of its agencies,
33 departments, political subdivisions, counties, towns or municipal
34 corporations, as well as a natural person.

35 24. "Process" or "processing" means the reduction, separation,
36 recovery, conversion or recycling of solid waste.

37 25. "Public solid waste facility" means a transfer facility and any
38 site owned, operated or utilized by any person for the storage, processing,
39 treatment or disposal of solid waste that is not generated on site.

40 26. "Recycling facility" means a solid waste facility that is owned,
41 operated or used for the storage, treatment or processing of recyclable solid
42 waste and that handles wastes that have a significant adverse effect on the
43 environment.

1 27. "Salvaging" means the removal of solid waste from a solid waste
2 facility with the permission and in accordance with rules or ordinances of
3 the management agency for purposes of productive reuse.

4 28. "Scavenging" means the unauthorized removal of solid waste from a
5 solid waste facility.

6 29. "Solid waste facility" means a transfer facility and any site
7 owned, operated or utilized by any person for the storage, processing,
8 treatment or disposal of solid waste, conditionally exempt small quantity
9 generator waste or household hazardous waste but does not include the
10 following:

11 (a) A site at which less than one ton of solid waste that is not
12 household waste, household hazardous waste, conditionally exempt small
13 quantity generator waste, medical waste or special waste and that was
14 generated on site is stored, processed, treated or disposed in compliance
15 with section 49-762.07, subsection F.

16 (b) A site at which solid waste that was generated on site is stored
17 for ninety days or less.

18 (c) A site at which nonputrescible solid waste that was generated on
19 site in amounts of less than one thousand kilograms per month per type of
20 nonputrescible solid waste is stored and contained for one hundred eighty
21 days or less.

22 (d) A site that stores, treats or processes paper, glass, wood,
23 cardboard, household textiles, scrap metal, plastic, vegetative waste,
24 aluminum, steel or other recyclable material and that is not a waste tire
25 facility, a transfer facility or a recycling facility.

26 (e) A site where sludge from a wastewater treatment facility is
27 applied to the land as a fertilizer or beneficial soil amendment in
28 accordance with sludge application requirements.

29 (f) A closed solid waste facility.

30 (g) A solid waste landfill that is performing or has completed
31 postclosure care before July 1, 1996 in accordance with an approved
32 postclosure plan.

33 (h) A closed solid waste landfill performing a onetime removal of
34 solid waste from the closed solid waste landfill, if the operator provides a
35 written notice that describes the removal project to the department within
36 thirty days after completion of the removal project.

37 (i) A site where solid waste generated in street sweeping activities
38 is stored, processed or treated prior to disposal at a solid waste facility
39 authorized under this chapter.

40 (j) A site where solid waste generated at either a drinking water
41 treatment facility or a wastewater treatment facility is stored, processed,
42 or treated on site prior to disposal at a solid waste facility authorized
43 under this chapter, and any discharge is regulated pursuant to chapter 2,
44 article 3 of this title.

1 (k) A closed solid waste landfill where development activities occur
2 on the property or where excavation or removal of solid waste is performed
3 for maintenance and repair provided the following conditions are met:

4 (i) When the project is completed there will not be an increase in
5 leachate that would result in a discharge.

6 (ii) When the project is completed the concentration of methane gas
7 will not exceed twenty-five per cent of the lower explosive limit in on-site
8 structures, or the concentration of methane gas will not exceed the lower
9 explosive limit at the property line.

10 (iii) Protection has been provided to prevent remaining waste from
11 causing any vector, odor, litter or other environmental nuisance.

12 (iv) The operator provides a notice to the department containing the
13 information required by section 49-762.07, subsection A, paragraphs 1, 2 and
14 5 and a brief description of the project.

15 (l) Agricultural on-site disposal as provided in section 49-766.

16 (m) The use, storage, treatment or disposal of by-products of
17 regulated agricultural activities as defined in section 49-201 and that are
18 subject to best management practices pursuant to section 49-247 or
19 by-products of livestock, range livestock and poultry as defined in section
20 3-1201, pesticide containers that are regulated pursuant to title 3, chapter
21 2, article 6 or other agricultural crop residues.

22 (n) Household hazardous waste collection events held at a temporary
23 site for not more than six days in any calendar quarter.

24 (o) Wastewater treatment facilities as defined in section 49-1201.

25 (p) An on-site single family household waste composting facility.

26 (q) A site at which five hundred or fewer waste tires are stored.

27 (r) A site at which mining industry off-road waste tires are stored or
28 are disposed of as prescribed by rules in effect on February 1, 1996, until
29 the director by rule determines that on-site recycling methods exist that are
30 technically feasible and economically practical.

31 (s) A site at which underground piping, conduit, pipe covering or
32 similar structures are abandoned in place in accordance with applicable state
33 and federal laws.

34 30. "Solid waste landfill" means a facility, area of land or excavation
35 in which solid wastes are placed for permanent disposal. Solid waste
36 landfill does not include a land application unit, surface impoundment,
37 injection well, compost pile or waste pile or an area containing ash from the
38 on-site combustion of coal that does not contain household waste, household
39 hazardous waste or conditionally exempt small quantity generator waste.

40 31. "Solid waste management" means the systematic administration of
41 activities which provide for the collection, source separation, storage,
42 transportation, transfer, processing, treatment or disposal of solid waste in
43 a manner that protects public health and safety and the environment and
44 prevents and abates environmental nuisances.

1 32. "Solid waste management plan" means the plan which is adopted
2 pursuant to section 49-721 and which provides guidelines for the collection,
3 source separation, storage, transportation, processing, treatment,
4 reclamation and disposal of solid waste in a manner that protects public
5 health and safety and the environment and prevents and abates environmental
6 nuisances.

7 33. "Storage" means the holding of solid waste.

8 34. "Transfer facility" means a site that is owned, operated or used by
9 any person for the rehandling or storage for ninety days or less of solid
10 waste that was generated off site for the primary purpose of transporting
11 that solid waste. Transfer facility includes those facilities that include
12 significant solid waste transfer activities that warrant the facility's
13 regulation as a transfer facility.

14 35. "Treatment" means any method, technique or process used to change
15 the physical, chemical or biological character of solid waste so as to render
16 that waste safer for transport, amenable for processing, amenable for storage
17 or reduced in volume.

18 36. "Vegetative waste" means waste derived from plants, including tree
19 limbs and branches, stumps, grass clippings and other waste plant
20 material. Vegetative waste does not include processed lumber, paper,
21 cardboard and other manufactured products that are derived from plant
22 material.

23 37. "Waste pile" means any noncontainerized accumulation of solid,
24 nonflowing waste that is used for treatment or storage.

25 38. "Waste tire" does not include tires used for agricultural purposes
26 as bumpers on agricultural equipment or as ballast to maintain covers at an
27 agricultural site, or any tire disposed of using any of the methods in
28 section 44-1304, subsection D, paragraphs 1, 2, 3, 5 through 8 and 11 and
29 means any of the following:

30 (a) A tire that is no longer suitable for its original intended
31 purpose because of wear, damage or defect.

32 (b) A tire that is removed from a motor vehicle and is retained for
33 further use.

34 (c) A tire that has been chopped or shredded.

35 39. "Waste tire facility" means a solid waste facility at which five
36 thousand or more waste tires are stored outdoors on any day.

37 Sec. 5. Section 49-762, Arizona Revised Statutes, is amended to read:
38 49-762. Facilities requiring solid waste facility plans

39 The owner or operator of the following solid waste facilities shall
40 obtain approval of a solid waste facility plan in accordance with sections
41 49-762.03 and 49-762.04:

- 42 1. Solid waste land disposal facilities.
- 43 2. Biosolids processing facilities.
- 44 3. Medical waste facilities.
- 45 4. Special waste facilities.

1 5. Municipal solid waste landfills.
2 6. Commercial or government-owned household waste composting
3 facilities.

4 7. WASTE TIRE COLLECTION SITES AS DEFINED IN SECTION 44-1301.

5 Sec. 6. Section 49-762.01, Arizona Revised Statutes, is amended to
6 read:

7 49-762.01. Facilities requiring self-certification

8 The owner or operator of all solid waste facilities that are not listed
9 in either section 49-762 or 49-762.02 shall comply with self-certification
10 procedures prescribed by section 49-762.05. ~~A waste tire facility shall also~~
11 ~~comply with self-certification procedures prescribed by section 49-762.05.~~

12 Sec. 7. Section 49-762.02, Arizona Revised Statutes, is amended to
13 read:

14 49-762.02. Facilities subject to best management practices;
15 rules

16 The following solid waste facilities are subject to best management
17 practices adopted in accordance with section 49-761, subsection H:

18 1. Transfer facilities that have a daily solid waste throughput of one
19 hundred eighty cubic yards or less.

20 2. Recycling facilities that are located off site, that are used for
21 the collection of recyclable material, that have a storage capacity of one
22 hundred eighty cubic yards or less and that store the recyclable material for
23 less than ninety days.

24 3. Recycling facilities that are located on site and that are used
25 solely for the collection and storage of recyclable material for less than
26 one hundred eighty days.

27 4. Closed loop recycling facilities that are located at the site of
28 waste generation.

29 ~~5. A site at which more than five hundred and fewer than five thousand~~
30 ~~waste tires are stored on any day.~~

31 ~~6.~~ 5. A solid waste facility where only asbestos-containing waste
32 ~~material~~ MATERIALS from manufactured products are stored, processed, treated
33 or disposed. The best management practices for these facilities that shall
34 apply are as follows:

35 (a) For solid waste facilities handling asbestos-containing waste
36 materials that are regulated under the national emission standards for
37 hazardous air pollutants in 40 Code of Federal Regulations part 61, subpart
38 M:

39 (i) The national emission standards for hazardous air pollutants that
40 are incorporated by reference in the rules adopted pursuant to chapter 3 of
41 this title.

42 (ii) For solid waste land disposal facilities that are not municipal
43 solid waste landfills, 40 Code of Federal Regulations part 257.

44 (iii) For solid waste land disposal facilities, financial assurance
45 pursuant to the requirements and time frames of section 49-770.

- 1 (iv) Solid waste facility notification pursuant to section 49-762.05,
2 subsection B, paragraph 5.
- 3 (v) Compliance with local zoning laws or section 49-767, if
4 applicable.
- 5 (b) For solid waste facilities handling asbestos-containing waste
6 materials that are not regulated under the national emission standards for
7 hazardous air pollutants in 40 Code of Federal Regulations part 61, subpart
8 M:
- 9 (i) Compliance with section 49-762.07.
- 10 (ii) Compliance with local zoning laws or section 49-767, if
11 applicable.
- 12 ~~7.~~ 6. Any other solid waste facility that the director determines by
13 rule should be subject to best management practices.